IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 5542 OF 2006

Date of decision : September 28, 2006

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Deepesh Khanchandani .....Petitioner

Vs.

State of Haryana & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Naresh Prabhakar, Advocate for the petitioner(s).
Mr. Ajay Gulati, Assistant Advocate General, Haryana.
Mr. Ankur Mittal, Advocate for respondents no. 2 to 4.
Mr. Desh Raj, Advocate for respondent no.5.

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Viney Mittal, J. (Oral)

The petitioner has challenged the order dated March 23, 2006 (Annexure P-10) whereby the allotment of a plot in favour of the petitioner has been ordered to be cancelled.

A preliminary objection has been raised on behalf of the respondents. It has been contended that an appeal is maintainable against the aforesaid cancellation order before the appellate authority.

Keeping in view the stand taken by the respondents no. 1 to 4, we dispose of the present petition and relegate the petitioner to seek his remedy of appeal at the first instance. We, however, direct that if the petitioner files an appeal before the appellate authority within a period of 4

weeks from the date a certified copy of this order is received, the said appeal shall be decided by the appellate authority on merits of the controversy and shall not be rejected on account of limitation and delay.

For a period of 6 weeks from the date a certified copy of this order is received, the interim order dated April 6, 2006 shall continue to operate in favour of the petitioner.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 28, 2006
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(H.S BHALLA)
JUDGE